

CHESTER BOROUGH
LAND USE BOARD
June 11, 2020

The Regular meeting of the Chester Borough Land Use Board was held at the municipal building located at 50 North Road on June 11, 2020

Opening Statement

Chairman Kenneth Kasper called the meeting to order at 7:21p.m. Adequate notice of this meeting of the Chester Borough Land Use Board was given as required by the “Open Public Meetings Act” as follows: notice was sent to the Observer Tribune and the Daily Record, posted on the bulletin board in the Borough Municipal Building and posted on the Borough website and filed with the Borough Clerk. The Land Use Board will hold a regular meeting by web-based platform providing remote access as the meeting will be open to the public remotely. Details for public participation will be posted on the website at chesterborough.org. Public can register at Zoom.us and to join : [HTTPS://US02WEB.ZOOM.US/J/84802601410?PWD=DHFHDNZFYM52C3NBZZZML0E4WDVLUT09](https://us02web.zoom.us/j/84802601410?pwd=DHFHDNZFYM52C3NBZZZML0E4WDVLUT09) **PASSWORD: 091031** In the event any member of the public cannot access the public file documents or exhibits, and/or cannot access the Zoom web-based virtual meeting room, they may contact the Board Secretary at kbrown@chesterborough.org or 908-879-3660 x 2123

Steve Warner, Esq. found notice to be in order.

SALUTE TO THE FLAG

ROLL CALL

Present:

Mayor Janet Hoven, Class I
Kerry Brown, Class II
Kenneth Kasper, Class IV
Anita Rhodes, Class IV
Donald Storms, Class IV – late
Chris Heil, Council Representative, Class III
Stan Stevinson, Class IV
Edd Creter, Class IV
Adam Sorchini, Alternate # 1
Michael Ferrone, Alternate #2
Stan Quintana, Alternate #3 – not being seen but able to see

Absent:

Paul Ferriero, Board Engineer

Also Present:

Steven K. Warner, Esq., Board Attorney
David Banisch, Board Planner
Steven Bolio, Board Engineer
Sarah Jane Noll, Recording Secretary

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Minutes – The minutes of the May 14, 2020 were approved by motion by Kerry Brown and seconded by Chris Heil. Edd Creter and Adam Sorchini abstained from voting since they were absent from that meeting.

Business:

Tack Veterinary Holdings, LLC – Board attorney Steve Warner carried this application to July 9, 2020 without further notice.

Chairman Kasper suggested that July 9th may be a prime vacation week and asked that anyone not able to attend to please let Kerry Brown know so that there is sufficient members for a quorum.

The Car Wash at Chester, LLC - Block 131, Lot 5 -45 Maple Avenue - B-3 Regional Business Zone

Anthony Sposaro attorney for the applicant, introduced himself. He advised that his client is here to legitimize and get approval for the improvements that have been made to the car wash by the previous owner. The three witness to be heard this evening are Candis Davis, P.E. from Yannacone, Villa and Aldridge Engineering; Danny Sourick, principal of the Car Wash and John Bolick, general manager. Mr. Sposaro advised that he has received 3 reports that will be addressed this evening: Ferriero Engineering dated 6-9-20; David Banisch, Borough Planner dated 6-11-20 and the Borough Shade Tree Commission.

Board attorney Steven Warner found the application and the notices to be in order and advised that the meeting can commence. Chairman Kasper questioned the application form which Kerry Brown acknowledged is new and updated. The application now has a cover sheet and explains everything and how to go thru the application. Chairman Kasper felt that it was good.

Mr. Warner swore in the witness: Candice Davis, PE; of Yannacone, Villa and Aldridge Associates.

Steve Bolio, Board Engineer, went thru a completeness review in the report of 6-9-20 prepared by Paul. Ferriero of Ferriero Engineering. The report is recommending completeness waivers so that the public hearing can proceed.

Mr. Sposaro introduced Candice Davis, PE from Yannacone Associates. She was accepted as an expert witness and was sworn in.

Ms. Davis then reviewed the application for the Car Wash which is located off of Maple Ave and consists of ½ acre. Improvements are proposed to the site so as to help alleviate some traffic and improve the appearance. The improvements include awnings; equipment vacuums and stripping for traffic flow. She compared the site from the original site plan to today. The previous approval from 1998 is generally similar to the existing conditions. The differences are: the existing shed in front is no longer existing; there is a canopy at the rear of the building but is larger and covered with a metal roof. The Vacuums were also on the 1998 plan – there were and are 4. There was 5 free standing lights which are currently there. One had been removed and they are asking to add one. She concurred that a number of improvements have been made without approval. Mr. Sposaro

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advised that he did represent the prior owner who had been issued a summons and paid a fine. The new owner has assumed the violations. He has enclosed the detailing canopy which shelters the workers and the vehicles. Ms. Davis focused on the changes as shown on sheet # 4. Chairman Kasper asked if there is anyone present who does not have the documents. Kerry Brown put the plan up on the computer so everyone could see it. It was noted that there is no one from the public attending the hearing. There was a person Eileen who had been on for the Black River Veterinary Hospital hearing but has now left the meeting. The following was marked into evidence as:

Exhibit A-1 – multi page submission submitted by the Yannaccone Engineering firm.

Exhibit A-2 – 9-13-83 approving resolution.

Exhibit A-3 - 1983 site plan

Exhibit A-4 -1998 site plan for sign variance

Exhibit A-5 - 11-8-1983 resolution.

Ms. Davis proceeded with describing the current site plan and the proposed improvements. She explained that some traffic backs out onto Maple Ave. and that the three proposed lanes should eliminate this. Two of the lanes will provide employee vacuuming while in the queue. There is a full-service area in the rear. There is a retractable awning over the outdoor waiting area to shield patrons from the sun, and a canopy covering the detail booth. This is being provided specifically for higher level service. The trash container, as per the recommendation of the Shade Tree Commission will be put in a trash enclosure. Mr. Sposaro asked if there are any questions about the functioning of the site. Chairman Kasper asked for questions about the testimony of this witness. Mayor Hoven questioned the traffic flow to the vacuum stations. Ms. Davis explained the flow and that spaces 1-7 have coin operated vacuums. Stanley Quintana asked how the bottleneck at the exit of the car wash could be alleviated. Mr. Kasper suggested holding this until further testimony. Michael Ferrone questioned the location of the painted lines and he suggested the lines should start at the curbing where the landscaping starts. The reasoning for the 3 lanes is to get as many cars on the site and off of Maple Ave. as quickly as possible. This is the best solution for the high demand. More vehicles can be waiting on site. Anita Rhodes questioned the storage of equipment by the waiting area and if it will be removed. The applicant will address this during his testimony. Mr. Kasper asked about signage that will help the public get into the correct lane. It was explained that payment is made at a computer stand which will be located close to the stop bars and will be in an enclosed box. Mr. Kasper questioned the location of the vacuums and if they had been previously approved. Mr. Sposaro said to his recollection, that only the vacuums on the west side had been approved.

Mr. Banish commented that the expansion of the site has been done in a highly organized manner. 6" PVC pipe will extend over the 3 lanes along the building. There were 4 vacuum stations on the 1998 plan and were 12'x18' in size. The parking spaces on the west side are now proposed at 9' wide. He pointed out that the car doors are usually open and suggested that the 12' width would be better. Ms. Davis advised that the applicant would be willing to make the stalls wider. Mr. Bolio, Borough engineer suggested that wider spaces would be appropriate. Mr. Banisch also asked about employee parking. He suggested that space 7 be eliminated and elongate some of the others. Mr. Banisch wants to see the specifications for the awnings and suggested bringing the stripping closer to the road so that the customers could see it. Ms. Davis advised that she does not have a volume number for the number of customers. Mr. Bolio commented on the westerly parking stripping and suggested installing stop bars for cars waiting to be dried.

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Lighting testimony was given by Ms. Davis. She testified that there is no additional building lighting proposed. A pole light is proposed near the entrance on the right side of the building. A light that was there had been removed at some point and they are asking to replace it and match the existing lighting. Paul Ferriero's report discussed the proposed new light which is an LED light; the applicant is asking for a waiver from that concern. Mr. Ferriero asked that there be a site inspection when it is installed. Mayor Hoven asked for the hours of operation. This testimony will be addressed later in the hearing. Ms. Davis addressed the lighting in the surrounding area from the Chester Diner; Wendy's; the vacant lot next to the car wash and the lights from NitroFlex located across Maple Ave. Mr. Bolio discussed the light fixtures and reviewed the June 9th report prepared by Paul Ferriero in #'s 6 and 7 of that report. Mr. Bolio recommended that a waiver of 6-f) be granted. Anita Rhodes asked what they are going to do with the light pole that is not working. Mr. Sposaro suggested that the Borough engineer look at it and they will take the necessary action to fix it.

Signage – Ms. Davis advised that there are 2 existing signs on the building; one of which will be removed. They proposed to increase the size of the sign from 118.68' to 126 s.f. on the front of the building. Mr. Kasper questioned the need for a sign on the front of the building and on the sides. There is signage currently on both the easterly and westerly side. Ms. Davis advised that the signage on the east and west side of the building will be helpful for the people coming from Maple Ave. and it will improve traffic safety. The proposed front sign will also be helpful in identifying the building.

Landscaping – Ms. David addressed the 6-9-20 report from the Shade Tree Commission. Sheet 5 of the site plan shows the proposed landscaping. The March comments from the Shade Tree Commission have been addressed on this revised plan. She proceeded to explain the proposed landscaping. They are asking that any approval be subject to working with the commission. Ms. Rhodes who is a member of the commission concurred with this. There was a consensus of the Board on this matter.

Ms. Davis referred to the zoning page sheet and addressed the requested bulk variances.

1. Variances are requested for 4 signs exceeding 15 sq. ft. (total of 126 sq. ft.) – sheet # 4 – also includes sign area and menu board in front yard.
2. Variance is requested for a retractable awning mounted on the east side of the car wash building 44.7' from Maple Avenue vs. 50' setback required (existing building setback is 38.8').
3. Exceeding max. Impervious coverage.
4. Rear yard setback for detail building and metal building at rear
5. Sign

Mr. Sposaro requested input from the board on additional signage. Mr. Kasper felt that the board is not there yet and asked if signs painted on pavement does not give some relief. The board members commented. Ms. Davis then addressed the reports of the professionals.

The Ferriero report of June 9th was addressed by Mr. Bolio. Mr. Banisch's report will be addressed by the applicant during his testimony. Mr. Banisch had no direct questions of Ms. Davis. Mr. Sposaro had no additional questions of Ms. Davis. The Board had no questions of the witness.

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Since there was no one in the public, the public portion was not opened.

Daniel Sourick was sworn in and testified that it is a family owned business consisting of himself and his wife. The property was purchased on June 19, 2019. He reviewed the internal improvements that have been made consisting of improvement of the mechanics; painting of inside; new molding installed along with a coffee and tea maker and a water fountain. A door has been installed on the detail center. The vehicles using this center are pricey and he must be competitive. There is no other detail service within 20 miles. The detailing was previously done on the outside. He also replaced some of the signs; they are the same size, but they have changed the prices and colors. They are not illuminated nor are they asking for that. He was not aware that the signage exceeded regulations when he purchased the property. The customers in this area want things done for them. 89% of the customers want a full interior cleaning in addition to the car wash. This causes the backup and the reason for asking for 3 lanes going onto the property. The current setup is causing unfair delays and he is worried about possible collisions. He is providing full service directly in front of the wash tunnel. All interior cleaning is done now before washing. The customer exits the vehicle and enters a lobby while an employee takes the vehicle. If the vehicle is only being washed, the customer remains in the vehicle. There is a professional vacuum system in place on the eastern side of the building. He explained the connections for the vacuums. They will be able to stack 4 cars at a time. The employees' carpool or bring their bikes to the car wash. He has never had a problem with parking. There are three parking spaces for himself and employees and he feels that this is sufficient. The retractable awning will cover the sign on the side. He feels the sign on the front is more essential. He described the payment function. There is no exchange of funds on the interior of the building. When the vehicle exits the tunnel, the washing is complete and only needs to be dried. He described the drying mechanism. He will defer the outside storage of hoses to the board. The operation of the car wash is from 8 a.m. to 6 p.m. Monday – Saturday and 8 a.m. to 5 p.m. on Sunday. He would like to extend the hours for all days from 8 a.m. to 7 p.m. He advised that Nitro Flex and Wendy's have signs that are lite all night. He is sandwiched between them but is asking for no night lighting. He addressed the retractable awning. He explained that the awning is for the comfort of the customers in the summer who don't want to go inside. It is retracted at night. There is currently an awning at the entrance to the wash tunnel and at the detail center. He is proposing another awning between the two vacuum booths. The proposed awnings will match the awnings presently out there. Beige is the color of the vacuum. His intention is to have a one-way traffic pattern. He would agree to **'do not enter'** signage closer to the front of the building. He explained the access to the dumpster which is all done before the car wash opens. Mr. Sposaro had no further questions of the witness.

The board then questioned the witness. Mayor Hoven asked when trash is picked up and was told it was before 5 a.m. The witness explained that the mats are cleaned under the canopy before entering the washing tunnel. The equipment used for washing the mats will remain outside. Mr. Stevinson questioned the precautions being used during this Covi-19 pandemic. The owner explained his procedures. Currently the customers do not leave their vehicle. Adam Sorchini questioned the color scheme. Mr. Kasper suggested that they keep the coloring muted in keeping with the town. Mr. Kasper asked that the witness explain the traffic flow and the number of cars being stacked. There were no further questions of this witness by the Board.

Mr. Bolio questioned the witness about the vacuum stations and asked if he would be willing to remove some. The applicant had no problem with this, and he is willing to put in additional parking

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for his employees. Mr. Banisch had had time to look up the ordinances on trash collection and noted that trash cannot be picked up before 7 a.m. and not after 5 p.m. The applicant agreed to put in a bike rack for the employees and show it on the plan. The applicant was asked to show the height of the supports for the vacuum on the plan. He did advise that it is under the gutter line. Sheet 6 shows the detail. Mr. Banisch asked how tall the equipment is. Mr. Banisch would like to see these numbers. The applicant is willing to store them inside if the board requests. Sheet 3 shows it. He is also willing to put some shielding around it. Mr. Banisch commented on the lighting and suggested that the addition of the light's cumulative effects will have an impact on the community's character. He agrees that it should be turned off.

The witness then explained that the proposed cleaning of mats is done under the canopy. He was advised to show all activity areas on the plans. Mr. Banisch pointed out the difference in the original approval and what is being proposed. He suggested that the board should be mindful of the possibility of what is being proposed here. Mr. Banisch had some suggestions about the curb lines. Mr. Kasper asked for more specifics from Mr. Banisch. He suggested that the curb line should be extended much closer to the road. The applicant was willing to formulate a one-way circulation plan. Mr. Warner asked if the applicant would relocate or extend the mulch area out to Maple Ave. Mr. Sposaro said that this would increase the impervious coverage. Mr. Kasper suggested cutting down and narrowing the golf club shaped area next to the exit of the tunnel. The applicant asked to be allowed to extend the sidewalk next to the building.

The following was entered into evidence:

Exhibit A-6 -LOGO Identity Guideline.

There were no further questions by the board members. Kerry Brown confirmed that there is no body from the public hearing the application.

Mr. Sposaro summarized his presentation and what was agreed to by the applicant:

Bike Rack – location to be decided

Eliminate – 2-coin operated vacuums

Realign spacing and made larger and increase parking for employees

Number of entrance lanes – extension to Maple Ave. There will be an exit arrow on westerly side.

2 – **‘Do Not Enter’** signs closer to the detail booth and closer to Maple – defer to engineer and planner for location.

Provide shielding on the vacuums

Shut the lights off after regular business hours

Color of support station for vacuum – proposed powder blue

Canopy maroon to match existing

Trash pickup not before 7 am. and after 5 p.m.

No signage illumination

Detail and height on support stations to be shown on plans.

Make substantive changes to island in southwesterly portion – re engineered and maybe extend area toward street line to eliminate free for all.

Sidewalk to extend waiting area to where cars are retrieved after going thru the wash tunnel.

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Mr. Kasper asked for a pole of the board on their comfort with the 3 lanes. Most of the board liked getting the traffic off of Maple Ave.

The Board agreed that an updated site plan should be submitted showing the orientation of the exit flow.

Mr. Kasper suggested, and Mr. Sposaro agreed to come back to the Board in a month. This would give them time to put together some sketches and forward to Mr. Bolio and Mr. Banisch for their comments. The Board agreed to this. Mr. Sposaro will discuss colors with Mr. Banisch.

The hearing was carried to the July 9th meeting without further notice and the applicant granting an extension if necessary. Mr. Sposaro agreed to an extension to the end of the month of July.

There being no further business, the meeting was adjourned at 11:15 p.m.

Sarah Jane Noll
Recording Secretary